



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q85654

Nicoletta BIANCHI, et al.

Appln. No.: 10/519,990

Group Art Unit: 1654

Confirmation No.: 3209

Examiner: Satyanarayan R. GUDIBANDE

Filed: January 4, 2005

For: NOVEL USE OF RAPAMYCIN AND STRUCTURAL ANALOGUES THEREOF

RESPONSE TO RESTRICTION/ELECTION OF SPECIES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction/Election of Species Requirement dated October 4, 2006. The Examiner has identified the application as containing claims directed to more than one distinct species. The Examiner has required the Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes there are no generic claims. Applicant has been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

In response to the Examiner's requirement, for Species I, a single disclosed species of rapamycin analogue, Applicant elects the rapamycin compound. The structural formula of rapamycin is found on page 2 of Applicant's specification. For Species II, Applicant elects the hydroxyurea compound as recited in claims 3 and 4. The species elected within Species I reads on all the claims and the species elected within Species II reads on claims 3 and 4.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

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Response to Restriction/Election of Species Requirement

As to the unity of invention issue raised by the Examiner, Applicants traverse for the reasons set forth in the Amendment submitted herewith.

Applicant reserves the right to file a Divisional Application directed to any claims that are found to be non-elected claims.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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